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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF DENTISTRY &amp; DENTAL HYGIENE</b>
<b>DATE AND TIME:</b>	<b>Tuesday, September 15, 2015 at 6:00 p.m.</b>
<b>PLACE:</b>	<b>Cannon Building, Second-Floor Conference Room A 861 Silver Lake Boulevard, Dover, DE 19904</b>
<b>MINUTES APPROVED:</b>	<b>October 15, 2015</b>

**CALL TO ORDER**

Dr. McAllister called the meeting to order at 6:02pm.

**DENTAL EXAM APPEAL HEARING – Nwaneka Nwokolo**

**Dental Exam Appeal Hearing**

**BOARD PRESENT:** Brain McAllister, DDS, Lucinda Bunting, DDS (Examiner),  
Thomas A. Mercer DDS (Examiner), Bruce Matthews, DDS  
(Examiner)

**2015 APPEAL PANEL:** Thomas Kuon, D.D.S., Ryan C. Barnhart D.D.S, Dr. Mary Lomax,  
Ed.D.

**PRESIDING:** Brian McAllister, DDS, President

**BOARD STAFF:** Flora Peer, Administrative Specialist II

**BOARD COUNSEL:** Jennifer Singh, Deputy Attorney General

**APPELLANT:** Nwaneka Nwokolo

**REPRESENTATIVE FOR THE APPELLANT:**

**PUBLIC PRESENT:** None

**COURT REPORTER:** Vera Sietz, Wilcox and Fetzer

**PURPOSE:** Appeal of Failure of Practical Examination

The hearing began at 6:02 p.m. The court reporter took verbatim testimony. DAG Jennifer Singh introduced herself and stated the purpose of the hearing. Ms. Nwokolo introduced herself for the record. The panel members introduced themselves for the record.

The exhibits, which were introduced into evidence without objection, were made part of the record and considered by the Board. The following exhibits were admitted into evidence: Appeal Exhibit 1 consisting of the Examination Guidelines for the examiners; June 2015 Examination schedule and candidate letter; Candidate examination package; Exam score sheets for Nwaneka Nwokolo; and August 17, 2015 letter from Flora Peer to Dr. Nwokolo noticing her of the Appeal Panel hearing.

Ms. Singh stated that the Board Chair gives an overview of the exam process. Dr. McAllister was sworn in. Dr. McAllister summarized the exam process and score process for the record.

Ms. Singh stated that Dr. Nwokolo could address the appeal panel. Dr. Nwokolo was sworn in. Dr. Nwokolo stated that she had questions about the composite section and that she found the scoring were inconsistent. Dr. Nwokolo stated that she would like the contradicting scores to be removed and the two remaining scores averaged.

Dr. Barnhart stated that the appeal panel had time to review the scoresheets before the hearing. Dr. Barnhart stated that Dr. McAllister and Dr. Mercer had noted the same error on their score sheets.

Ms. Singh asked if Dr. Nwokolo if she wanted to call any of the examiners as witnesses. Dr. Kuon asked for Dr. Matthews to be questioned.

Dr. Matthews was sworn in. Dr. Matthews stated that there was a chance that, because the fit was wrong, it could be both over and under extended.

Dr. Bunting was called and sworn in.

Dr. Kuon asked Dr. Bunting for clarification of her score. Dr. Bunting stated that the area in question was under extended in the gingival margin. Dr. Bunting had drawn a diagram on the score sheet showing that the area was large at the top and then tapered down. Dr. Nwokolo questioned how there could be both an excessive and deficient amount of material.

Dr. Bunting stated that she had graded the most grievous error.

Dr. Nwokolo argued that it wasn't possible to have both a deficient and excessive amount. Dr. Bunting explained how the score was given.

Dr. Mercer was called and sworn in.

Dr. Barnhart questioned Dr. Mercer about his score.

Dr. Mercer stated that he graded a 0 because the margin was over extended and not flush with the tooth. Dr. Nwokolo asked again how the tooth be both over and under extended. Dr. Mercer explained that he graded the lingual side.

Dr. Nwokolo questioned how the scores could differ so much on different points of the tooth.

Dr. Barnhart asked for Dr. McAllister's view on the scores.

Dr. McAllister stated that all 4 grades were only 9 points apart in the grading of the different areas. Dr. McAllister explained his scoring, whether over restored or under, he took it as being over extended.

Dr. Nwokolo questioned Dr. McAllister. Dr. McAllister explained the score. Dr. McAllister stated that there is a level of subjectivity and that the range for the procedure was very close.

Dr. Nwokolo stated that she understood the scoring.

Dr. Nwokolo made a closing statement.

Dr. Nwokolo stated that she did not understand how something can be deficient and excessive at the same time and questioned why she was not stopped during the exam. Dr. Nwokolo stated

that she would like to have the contradicting scores removed and have the remaining two scores averaged.

Ms. Singh stated that deliberations are open to the public and on the record.

The Appeal Panel began deliberations at 6:50pm.

Dr. Lomax stated that she could understand Dr. Nwokolo's concern but after the examiners explained the scores she understood how the scores could be different. Dr. Lomax questioned removing the contradicting exam scores and stated that she did not agree with removing the scores.

Dr. Barnhart stated that there could be a void and an excess of material.

Dr. Kuon stated that the examiners did a good job explaining their scores. Dr. Barnhart stated that the scores were consistent and that examiners scores should not be thrown out.

Dr. Barnhart stated that he feels that there can be an over extension and an under extension.

There was a problem tooth that all of the examiners identified.

Ms. Singh stated that even if Dr. Nwokolo had gotten the 20 additional points in one section, the she would have failing score.

The Appeal Panel came out of deliberations at 7:02pm.

Dr. Lomax made a motion, seconded by Dr. Barnhart, to deny Dr. Nwokolo's request to change her exam score. The motion carried unanimously.